

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA.**

Court of Appeal Case No : CA HC/242/2014

A.H.R. Gayan Indika,
No.19,
Gunathilaka Waththa,
Wakduwa.

Petitioner

Vs.

Hon Attorney General.
Attorney General's Department,
Colombo 12.

Respondents

CA. No: 242/2014

HC. Matara No: 232/2009

BEFORE : **S. Devika de L. Tennekoon, J. &**
S. Thurairaja, PC. J.

COUNSEL : Jeffry Zeinudeen for the Accused-Appellant.
Shanaka Wijesinghe DSG. for the
Respondent.

DECIDED ON : 15.11.2017

S. Thurairaja, PC. J.

Counsel for the Accused-Appellant seeks permission to withdraw this appeal and make an application to backdate the sentence and to show some concession on the sentence.

Learned Deputy Solicitor General, Mr. Shanaka Wijesinghe who is appearing for the State submits that the sentence is appropriate and he has no objection for backdating the sentence from the date of conviction. Considering the submissions and the facts of the case, this is very serious offence committed against an infant who was 03 years and 09 month girl.

Therefore, we are not inclined to reduce the sentence because the sentence imposed is appropriate and adequate. But considering the facts that the Accused-Appellant was incarcerated from the date of conviction, we direct the Prison Authorities to implement the sentence from the date of conviction namely 27.11.2014.

The Registrar is hereby directed to return the case record to the Registrar of the High Court of Matara.

Appeal is dismissed.

JUDGE OF THE COURT OF APPEAL

S. Devika de L. Tennekoon. J.

I agree

JUDGE OF THE COURT OF APPEAL

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